

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBERT SMITH,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-065-SLR
)	
DWIGHT HOLDEN, JOHN MUELLER,)	
and KEVIN MARSHALL,)	
)	
Defendants.)	

ORDER

WHEREAS, the plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

WHEREAS, on April 19, 2005, this Court entered an order granting leave to proceed in forma pauperis and requiring the plaintiff to complete and return an authorization form (D.I. 6);

WHEREAS, on April 19, 2005, the order was mailed to the plaintiff at the Howard R. Young Correctional Institution, where the plaintiff indicated he was incarcerated;

WHEREAS, on May 2, 2005, the order was returned to the court as undeliverable;

WHEREAS, the plaintiff apparently has been released from custody and has failed to inform the court of his new address and no action has been taken in this matter for a period

of at least three months;

THEREFORE, at Wilmington this 8th day of August, 2005,
IT IS HEREBY ORDERED that the plaintiff's complaint is DISMISSED
WITHOUT PREJUDICE pursuant to D. Del. L.R. 41.1 (1995).
Plaintiff is not required to pay any previously assessed fees or
the \$150.00 filing fee.



United States District Judge